



HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

NR0466E1

-
28th Session
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O. Eng.

Brussels, 24 July 2003.

POSSIBLE AMENDMENT OF THE STRUCTURED NOMENCLATURE TO HEADING 29.41

AND THE EXPLANATORY NOTES TO CHAPTER 29

(PROPOSAL BY THE MEXICAN ADMINISTRATION)

(Item III.A.9 on Agenda)

Reference documents :

NS0060E2, Annex A/12 (SSC/17 – Report)
NR0293E1 (RSC/26)
NR0332E3, Annex D/1 (RSC/26 – Report)
NS0072E1 (SSC/18)
NS0080E2, Annex A/10 (SSC/18 – Report)
NR0366E1 (RSC/27)

NR0400E3, Annex C/12 (RSC/27)
NC0669E1 (HSC/31)
NC0730E2, Annex F/1 (HSC/31 – Report)
Letter 03NL0363-Pk
NR0410E1 (RSC/28)

I. BACKGROUND

1. On 8 July 2003, after the preparation of Doc. NR0410E1, the Secretariat received the following note from the **EC** regarding the scope of derivatives and structural analogues in heading 29.41.

II. NOTE FROM THE **EC**

2. “The **Mexican** Administration is proposing to extend the scope of subheadings 2941.20 (streptomycins), 2941.40 (chloramphenicol) and 2941.50 (erythromycins) to include structural analogues. This question was already examined by the 17th Session of the Scientific Sub-Committee. A majority of the delegations considered that thiamphenicol and florphenicol were indeed derivatives of chloramphenicol. Subsequently, the HS Committee amended Item (4) of the Explanatory Note to heading 29.41 accordingly to the scientific opinion expressed by Customs Chemists. It seems that at this point in time, the **Mexican** Administration does not fully agree with that decision.

Note : Shaded parts will be removed when documents are placed on the WCO documentation database available to the public.

File No. 2934

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3. In general, the scope of the term “structural analogues” may be difficult to define because it is difficult to identify the parent compound. In our view, the essential character of a structural analogue is that its molecular structure and **its mode of action** should be similar to the parent compound but it is advisable to be cautious because, for instance, many classes of antibiotics operate by the same mechanism. It could also be argued that the compound must have the same pharmaceutical activity as the parent compound but this criterion is also difficult to determine.
4. In the light of the foregoing, the **Commission** Services would prefer to maintain the status quo.”

III. CONCLUSION

5. The Sub-Committee is invited to take the above note from the **EC** into account when examining this Agenda item.
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